

Exhibit I

Jonathan Shub (SBN 237708)
jshub@seegerweiss.com
SEEGER WEISS LLP
1515 Market Street, Suite 1380
Philadelphia, PA 19102
Telephone: (215) 564-2300
Facsimile: (215) 851-8029

Rosemary M. Rivas (SBN 209147)
rrivas@finkelsteinthompson.com
FINKELSTEIN THOMPSON LLP
100 Bush Street, Suite 1450
San Francisco, California 94104
Telephone: (415) 398-8700
Facsimile: (415) 398-8704

J. Paul Gignac (SBN 125676)
j.paul@aogllp.com
ARIAS OZZELLO & GIGNAC LLP
115 S. La Cumbre Lane, Suite 300
Santa Barbara, California 93105
Telephone: (805) 683-7400
Facsimile: (805) 683-7401

Interim Co-Lead Class Counsel

Interim Liaison Class Counsel

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

Master Case No. C 09-03043 JF

In re FACEBOOK PPC Advertising Litigation

**PLAINTIFFS' SUPPLEMENTAL
OBJECTIONS AND RESPONSES TO
DEFENDANT FACEBOOK, INC.'S FIRST
SET OF INTERROGATORIES**

Plaintiffs hereby supplement their responses to Facebook, Inc.'s First Set of Interrogatories, served on Plaintiffs' attorneys on September 16, 2010, subject to the accompanying objections, without waiving, and expressly preserving, all such objections. Plaintiffs also respond subject to, without intending to waive, and expressly preserving: (a) any objections as to relevance, privilege, and admissibility of documents or information provided;

1 and (b) the right to object to other discovery procedures involving or relating to the subject
2 matter of Defendant's requests.

3 Plaintiffs' factual investigation and legal analysis is ongoing and these responses and
4 objections are without prejudice to later amendment and supplementation. Defendant has not yet
5 fully produced documents and information (or otherwise given complete discovery). Plaintiffs'
6 discovery, investigation, and preparation for trial are ongoing and continuing as of the date of
7 these responses. Plaintiffs reserve the right to continue discovery and investigation of facts,
8 witnesses, and supplemental information that may reveal information which, if presently within
9 Plaintiffs' knowledge, would have been included in these responses. Plaintiffs reserve the right
10 to present additional information as may be disclosed through continuing discovery and
11 investigation. By this reservation, Plaintiffs do not assume a continuing responsibility to update
12 these responses (the present responses only cover information received until the date of service
13 of these responses).
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15 **GENERAL OBJECTIONS**

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17 All of the general Objections below are incorporated into each of the individual responses
18 and have the same force and effect as if fully set forth therein. Plaintiff objects to Defendant's
19 Interrogatories to the extent that:

20 1. Defendant's definitions and instructions seek to impose obligations that exceed or
21 differ from the requirements of the Federal Rules of Civil Procedure.

22 2. They seek to require responses or supplemental responses beyond the scope
23 and/or requirements of the Federal Rules of Civil Procedure.

24 3. They contravene the limits on the number of questions in any court orders, local
25 rules, or the Federal Rules of Civil Procedure.
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1 4. They seek to establish or imply a waiver of Plaintiffs' right to challenge the
2 relevancy, materiality, or admissibility of the documents or information provided by Plaintiffs, or
3 to object to the use of documents or information in any subsequent proceeding or trial. In
4 responding, Plaintiff does not waive the right to challenge the relevancy, materiality, and/or
5 admissibility of the documents or information provided by Plaintiff, or to object to the use of the
6 documents or information in any later proceeding or trial.

7 5. They call for legal conclusions or premature expert discovery.

8 6. They seek disclosure of documents, communications, information, and things
9 protected by the attorney-client privilege or that constitutes attorney work-product/trial
10 preparation materials or any other privileged documents or information, as well as documents or
11 information that were compiled or prepared at the request and direction of counsel in anticipation
12 of, or in conjunction with, litigation that are protected by the attorney work-product doctrine;
13 items and information obtained by Plaintiffs' attorneys that involve their professional skill and
14 experience; legal research, including delegated research—which includes research or
15 investigation by Plaintiffs' attorneys, or by persons hired by Plaintiffs' attorneys and acting
16 under their supervision; strategic litigation planning, mental impressions (or documents
17 reflecting such planning or impressions); and documents gathered by Plaintiffs' attorneys while
18 researching issues in this case. Further, it would also be unduly burdensome and oppressive to
19 search for, compile, and make a description of the nature of each such document,
20 communication, etc.

21 7. They seek documents or information within the exclusive possession, custody or
22 control of Defendant.
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1 8. They seek documents or information contained in the pleadings and other papers
2 filed in this action.

3 **SPECIFIC OBJECTIONS AND RESPONSES TO DEFENDANT’S**

4 **INTERROGATORIES**

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6 **INTERROGATORY NO. 11**

7 For each advertisement YOU placed on Facebook.com, identify each click YOU allege
8 was improperly charged to YOU (including the date, time, and associated IP address for each
9 such click).
10

11 **RESPONSE TO INTERROGATORY 11:**

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13 Subject to the General Objections set forth above, Plaintiffs respond as
14 follow: This Interrogatory: (1) assumes incorrectly that Plaintiffs must conduct a “click by click”
15 analysis to establish both the liability of Facebook and the damages suffered by Plaintiffs and the
16 class for invalid clicks; and (2) the Interrogatory fails to acknowledge that calculating the amount
17 of damages suffered by Plaintiffs and the Class associated with invalid clicks can properly and
18 accurately be determined by various recognized and industry approved statistical models.
19 Assuming, however, that Plaintiffs determine that such a “click by click” analysis is appropriate
20 for determining liability and/or damages, the current Interrogatory is premature because
21 Plaintiffs have not conducted such a granular click-by-click analysis.
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23
24 In any event, Facebook is aware internally, but has hid it from its customers,

25 **REDACTED**

26 . Moreover, Facebook’s click detection system: (1) fails to support its contractual
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1 obligation to charge advertisers “only for legitimate clicks”; and (2) has caused the improper
2 recognition of revenue, during all or part of the Class period, because of the following
3 deficiencies:

4 **REDACTED**

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18 **INTERROGATORY NO. 12**

19 For each click identified in Interrogatory No. 11, state all reasons why YOU contend the
20 click was fraudulent, improper, invalid, or otherwise should not have been charged to YOUR
21 account.
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23 **RESPONSE TO INTERROGATORY NO. 1**

24 See Response to Interrogatory No. 11.

25 **INTERROGATORY NO. 13**
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27

If you contend that Facebook failed to implement certain measures to detect and screen clicks that are potentially fraudulent, improper, or invalid, describe all such measures.

RESPONSE TO INTERROGATORY NO. 2

See Response to Interrogatory No. 11.

Dated: May 6, 2011

Respectfully submitted,

By:

/s/ Jonathan Shub

Jonathan Shub

jshub@seegerweiss.com

SEEGER WEISS LLP

1515 Market Street, Suite 1380

Philadelphia, PA 19102

Telephone: (215) 564-2300

Facsimile: (215) 851-8029

Rosemary M. Rivas

rrivas@finkelsteinthompson.com

FINKELSTEIN THOMPSON LLP

100 Bush Street, Suite 1450

San Francisco, CA 94104

Telephone: (415) 398-8700

Facsimile: (415) 398-8704

Mila F. Bartos

FINKELSTEIN THOMPSON LLP

1050 30th Street, N.W.

Washington, D.C. 20007

Telephone: (202) 337-8000

Facsimile: (202) 337-8090

Interim Co-Lead Class Counsel

J. Paul Gignac (SBN: 125676)

j.paul@aogllp.com

ARIAS OZZELLO & GIGNAC LLP

115 S. La Cumbre Lane, Suite 300

Barbara, California 93105

(805) 683-7400

ile: (805) 683-7401

Santa

Telephone:

Facsim

Interim Liaison Class Counsel

Steven Berk
BERK LAW PLCC
1225 15th Street, NW
Washington, D.C. 20005
Telephone: (202) 232-7500
Facsimile: (202) 232-7566

Paul M. Weiss
FREED & WEISS LLC
111 West Washington Street, Suite 1311
Chicago, IL 60602
Telephone: (312) 220-0000

Brian S. Kabateck
KABATECK BROWN KELLNER LLP
664 S. Figueroa Street
Los Angeles, CA 90017
Telephone: (213) 217-5000
Facsimile: (213) 217-5010

Gordon M. Fauth, Jr.
LITIGATION LAW GROUP
1801 Clement Avenue, Suite 101
Alameda, CA 94501
Telephone: (510) 238-9610
Facsimile: (510) 337-1431

Melissa Meeker Harnett
**WASSERMAN, COMDEN, CASSELMAN &
ESENSTEN, LLP**
5567 Reseda Boulevard, Suite 330
Tarzana, CA 91357-7033
Telephone: (818) 705-6800
Facsimile: (818) 996-8266

Additional Counsel for Plaintiffs

Jonathan Shub (SBN 237708)
jshub@seegerweiss.com.com
David R. Buchanan
dbuchanan@seegerweiss.com
SEEGER WEISS LLP
1515 Market St., Suite 1380
Philadelphia, PA 19102
Telephone: (215) 564-2300
Facsimile: (215) 569-1606

Rosemary M. Rivas (SBN 209147)
rrivas@finkelsteinthompson.com
FINKELSTEIN THOMPSON LLP
100 Bush Street, Suite 1450
San Francisco, California 94104
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE FACEBOOK PPC ADVERTISING
LITIGATION

This Document Relates To:
All Actions.

Master File No. C 09-03043 JF

CERTIFICATE OF SERVICE

Judge: Honorable Jeremy Fogel

I, Jonathan Shub, hereby certify that on May 6, 2011, I caused a true and correct copy of the foregoing document, PLAINTIFFS SUPPLEMENTAL OBJECTIONS AND RESPONSES TO DEFENDANT FACEBOOK, INC.'S FIRST SET OF INTERROGATORIES, to be served via email on the following defense counsel of record:

1 Whitty Somvichian
2 Cooley Godward Kronish LLP
3 101 California Street, 5th Floor
4 San Francisco, CA 94111
5 Email: wsomvichian@cooley.com

6 DATED: May 6, 2011

7 /s/ Jonathan Shub
8 Jonathan Shub
9 jshub@seegerweiss.com
10 **SEEGER WEISS LLP**
11 1515 Market Street, Suite 1380
12 Philadelphia, PA 19102
13 Telephone: (215) 564-2300
14 Facsimile: (215) 851-8029
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17
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